

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

Alyssa Portnoy and Darlene Portnoy,	:	Case No: 1:17-cv-834
	:	
Plaintiffs,	:	Judge Michael R. Barrett
	:	
v.	:	
	:	
National Credit Systems, Inc. et al.,	:	Defendant's Notice of Non-Response to
	:	Plaintiffs' Motion for Class Certification
Defendants.	:	(ECF 127)

NOW COMES Defendant National Credit Systems, Inc. ("NCS"), and gives notice that, based upon the Court's statements during the October 12, 2021, telephone status conference (i.e., that Plaintiffs' Motion for Class Certification, ECF Doc. 127, is insufficient and will not be treated as a motion to certify under Fed. R. Civ. P. 23), NCS will not respond substantively to ECF Doc. 127. Plaintiffs' filing at ECF Doc. 127 is not a proper motion under Fed. R. Civ. P. 23, and NCS reserves all defenses and arguments related to class certification. Further, NCS maintains that Plaintiffs lack standing to file a motion to certify a class or represent a class under Fed. R. Civ. P. 23 as demonstrated in NCS's Motion to Dismiss. ECF Doc. 120

Respectfully Submitted,

/s/Katrina M. DeMarte

Katrina M. DeMarte (MI Bar No. P81476; CO
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CERTIFICATE OF SERVICE

I certify that I electronically served a copy of the foregoing via the Clerk of Court's CM/ECF system on October 22, 2021, which will provide notice to all counsel of record.

/s/Boyd W. Gentry
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